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13 United Artists Corporation*

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

FOURTH AGE LTD., *et al*,  
Plaintiffs,  
v.  
WARNER BROS. DIGITAL  
DISTRIBUTION, *et al*,  
Defendants.

Case No. 12-9912-ABC (SHx)

**MGM'S RESPONSE TO THE  
TOLKIEN/HC PARTIES'  
OBJECTIONS TO EVIDENCE  
SUBMITTED BY MGM IN  
SUPPORT OF ITS REPLY IN  
SUPPORT OF JOINDER IN  
WARNER'S AND ZAENTZ'S  
MOTION TO DISQUALIFY  
GREENBERG GLUSKER**

WARNER BROS. DIGITAL  
DISTRIBUTION INC., *et al*,  
Counterclaim  
Plaintiffs,  
v.

**Judge:** Hon. Audrey B. Collins  
**Hearing Date:** July 24, 2014  
**Hearing Time:** 10:00 a.m.

FOURTH AGE LTD., *et al*,  
Counterclaim  
Defendants.

**Discovery Cut-Off:** July 29, 2014

5 MGM submitted the Declaration of Edward J. Slizewski in support of  
6 its Reply brief to address arguments that the Tolkien/HC Parties raised in their  
7 opposition to MGM’s Joinder. It is appropriate for the Court to consider evidence  
8 raised for the first time in reply “in response to arguments raised in [the]  
9 opposition.” *All Star Seed v. Nationwide Agribusiness Ins. Co.*, 2014 WL 1286561,  
10 at \*16 (S.D. Cal. Mar. 31, 2014). Moreover, the Tolkien/HC Parties substantively  
11 responded to the evidence in their Objections, so there is no prejudice or need for a  
12 sur-reply. *See Carrillo v. Schneider Logistics, Inc.*, 2013 WL 140214, at \*3, n. 2  
13 (C.D. Cal. Jan 7, 2013).

1 Likewise here, the fact that the privilege-holder is not the same formal entity that  
2 has an economic interest in the litigation should not deprive MGM of its ability to  
3 protect its attorney-client privilege. The Tolkien/HC Parties also complain that  
4 MGM did not describe its rights in *The Hobbit* films with enough specificity, but  
5 more specificity is unnecessary—the declaration provides evidence that MGM has  
6 an economic interest in the litigation, which is the only relevant point.

7 For the foregoing reasons, MGM respectfully requests that the  
8 Tolkien/HC Parties' objections to MGM's evidence be overruled.

Dated: July 21, 2014

Respectfully submitted,

*Attorneys for Non-Parties Metro-Goldwyn Mayer Inc., Metro-Goldwyn-Mayer Studios Inc., Metro-Goldwyn-Mayer Pictures Inc. and United Artists Corporation*